
By: Delegates Baldwin and Greenip

Introduced and read first time: February 8, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Civil and Administrative Proceedings - Discovery of Alcohol and Drug Records**

3 FOR the purpose of providing that a firm that offers an alcohol and drug program
4 meeting certain requirements may not be required to make available for discovery in
5 certain proceedings certain alcohol- and drug-related records of an employee;
6 applying this Act to certain former employees of the firm; and generally relating to
7 alcohol- and drug-related records of an employee held by a firm.

8 BY adding to

9 Article - Courts and Judicial Proceedings
10 Section 10-918
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1995 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Courts and Judicial Proceedings**

16 10-918.

17 (A) THIS SECTION APPLIES ONLY TO A FIRM THAT OFFERS AN ALCOHOL AND
18 DRUG PROGRAM THAT:

19 (1) REQUIRES PRE-EMPLOYMENT, RANDOM, AND REPORTABLE
20 ACCIDENT DRUG TESTS OF EMPLOYEES;

21 (2) INCLUDES A SUBSTANCE ABUSE PROGRAM FOR TREATMENT AS
22 NECESSARY;

23 (3) REQUIRES EMPLOYEES TO PARTICIPATE IN A COURSE OF
24 EDUCATION AT LEAST ONCE EVERY 2 YEARS AND PROVIDES INSTRUCTION IN:

25 (I) THE HAZARDS OF DRIVING WHILE IMPAIRED OR
26 INTOXICATED;

27 (II) THE CRIMINAL PENALTIES AND ADMINISTRATIVE SANCTIONS
28 OF ALCOHOL- AND DRUG-RELATED MOTOR VEHICLE VIOLATIONS;

2

1 (III) THE MEDICAL, BIOLOGICAL, AND PSYCHOLOGICAL EFFECTS
2 OF THE CONSUMPTION OF ALCOHOL AND DRUGS AND THEIR IMPACT ON THE
3 OPERATION OF A MOTOR VEHICLE; AND

4 (IV) ANY OTHER ALCOHOL- AND DRUG-RELATED INFORMATION
5 THAT THE EMPLOYER DETERMINES WOULD BE BENEFICIAL TO ITS EMPLOYEES;
6 AND

7 (4) OFFERS COUNSELING AND ASSISTANCE FOR AN EMPLOYEE WHO
8 DISCLOSES TO THE FIRM THAT THE EMPLOYEE HAS AN ALCOHOL- OR
9 DRUG-RELATED PROBLEM OR WHO, WHEN TESTED, TESTS POSITIVE.

10 (B) FOR THE PURPOSE OF DISCOVERY IN A CIVIL OR ADMINISTRATIVE
11 PROCEEDING, IF A FIRM OFFERS AN ALCOHOL AND DRUG PROGRAM AS DESCRIBED
12 IN SUBSECTION (A) OF THIS SECTION, THE FIRM MAY NOT BE REQUIRED TO
13 PRODUCE RECORDS THAT THE FIRM HOLDS THAT CONTAIN THE RESULTS OF
14 ALCOHOL OR DRUG TESTS PERFORMED ON AN EMPLOYEE.

15 (C) SUBSECTION (B) OF THIS SECTION APPLIES TO RECORDS THAT CONTAIN
16 THE RESULTS OF ALCOHOL OR DRUG TESTS PERFORMED ON AN EMPLOYEE EVEN IF
17 THE EMPLOYEE IS NO LONGER EMPLOYED BY THE FIRM.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1996.